REMARKS:

The Examiner is thanked for the Office Action of January 3, 2007. As an initial matter, Applicant elected claims 8-14 following a Restriction Requirement. The outstanding Office Action indicates that claims 1-9 have been withdrawn. It appears that this was a typographical error given claims 8 and 9 were elected, and are also addressed by the Examiner in the Office Action.

Regarding the specification, Applicant is unaware of any errors at this time. Should any such errors be discovered, Applicant will promptly bring any such errors to the Examiner's attention.

Applicant has amended claims 8, 10 and 11 in clarification. Claim 9 has been canceled. New claim 15 has been added. No new matter has been added.

Claims 8-14 were rejected as being obvious over Thompson in view of Official Notice. Thompson is directed to a method of assisting a sales representative in selling. See Thompson, ¶ 2. Thompson discloses a sales model using four defined aspects: time, sales skills, interactions, and information. Time relates to the sales cycle, from beginning to end. *Id.* at ¶ 57. Sales skill involves "probing", "proving" and "closing", which are relative to the time of the sales cycle. *Id.* at ¶¶ 65-67. Interactions include specific events, and when such events should occur relative to the sales cycle. *Id.* at ¶¶ 80-81. Information relates to the data gathered during the sales cycle, such as during the 'probing' phase. *Id.* at ¶¶ 99-100. The system disclosed by Thompson generates responses and/or timing goals for the salesperson depending on the stage of the sales cycle, which is further reflected by amount of information gathered.

Thus, the Thompson model is based upon 'marketing theory', particularly a buying theory which focuses on the sales cycle and the sales process. Such buying theories are designed to provide illumination to the sales cycle, and the influence of the selling organization to the buying organization during the sales cycle.

The model disclosed by Thompson attempts to determine the probability of winning the sale by asking the salesperson questions about 'crucial elements' of the sale. *Id.* at ¶ 114. The probability of winning the sale is derived from the subjective 'gut feel' of the individual salesperson, not from change in wealth factors of an organization as claimed by Applicant. The Thompson method therefore suffers from the same problems of other sales automation systems, namely, subjective assessments by the salesperson.

Indeed, Thompson's lack of clarity in the context of 'gut feeling' indicates an inability to objectively assess the organization as a whole. Thompson discloses a conventional 'buyer-behavior influence' model, which is based on influence by the buyer as the name suggests. For example, Figure 20c of Thompson provides guidance to the sales person during the 'prove' phase of the sales cycle, wherein the advisor suggests: "You see yourself as reasonably positioned, but the Advisor thinks that you need to work harder to be in the running to win the sale". Thus, in the buyer-behavior marketing model of Thompson, there is always a chance to change and influence the purchasing organization.

The present invention is not directed to a buying model such as disclosed by Thompson. Rather, Applicant discloses and claims an economic model based on predictive characteristics. An organization can behave and react with predictive characteristics. The model of the present invention assesses the risk state of an entire

organization, and then predicts how the selling organization can 'frame' its approach in such a manner that is intrinsically attractive to the buying organization. A change of state in the middle of the sales cycle is not considered. By contrast, the Thompson model calls for constant reassessment based on subjective questions directed to the sales person. See for example Thompson, p. 2, ¶ 16 (discussing first and second sets of questions).

As claimed by Applicant, determination of the value position of an organization is based on objective factors (i.e. change in wealth factors). The value position is an organization's present context of experience, as defined in the specification. See page 11, lines 6-7. The claimed method is not directed to winning or losing a sale based on subjective assessments as disclosed by Thompson. Instead, a value position is calculated based on the disclosed algorithm (see Figure 1), and for example may be utilized by a vendor in constructing a response to a buying organization. Specifically, numerical values are assigned to a plurality of change in wealth factors of an organization. These numbers are then tallied to achieve a total value, which is then compared to a predetermined value range, as claimed by Applicant.

Applicant has amended claim 8 in clarification, which now provides that numerical values are assigned to a plurality of change in wealth factors, and these assigned numerical values are then tallied to provide a total value, which is compared to a predetermined value range. Note that claims 13 and 14 as filed already provided for the step of 'combining each of the assigned values to form a total value'.

Claim 10 was rejected as being obvious over Thompson and Official Notice. It was acknowledged that Thompson fails to identify the change in wealth factors set forth in claim 10. Applicant submits that it would not be obvious to modify Thompson to

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include such factors because the method of Thompson looks to the salesperson's assessment and the timing events by the salesperson during the sales cycle, to provide suggested responses and/or a time table. Thompson does not look to change of wealth factors of the organization itself such as claimed by Applicant. This distinction allows the Applicant's method to achieve a much more objective approach to examining an organization compared to prior models, such as that disclosed by Thompson.

In the Thompson model, probability changes as the sales cycle progresses. As such, the Thompson model is dependent on the time frame of the sales cycle itself, as well as subjective assessments by the salesperson. By contrast, Applicant assesses probability once based on objective factors which have already occurred. The predictive quality of the disclosed invention is based on the risk-characteristics of an organization (which cannot be influenced), only assessed.
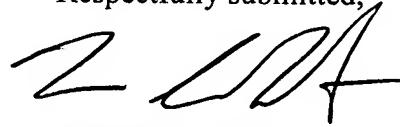
Thus, the underlying theories of Thompson and Applicant are different, the assessment timing is different, and the information assessed is completely different. Moreover, Applicant's model does not depend on subjective assessments of the sales person, as Thompson's does. As such, the 'gut feeling' or subjectivity inherent in the Thompson model is eliminated.

New claim 15 depends from claim 8, and includes the further step of adjusting each of the assigned numerical values by a predetermined amount depending on a time frame in which the change in wealth factor occurred. Thompson likewise fails to disclose or suggest such a step.

Therefore, Applicant respectfully submits that, in light of the amendments and arguments herein, all rejections have been overcome. Allowance of all pending claims is

respectfully requested. Applicant submits herewith a Request for Extension of Time for two (2) months, along with the requisite fee. It is believed that no other fees are due with this submission. Should that determination be incorrect, please debit Account No. 50-0548 and notify the undersigned.

Respectfully submitted,

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